



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 30 2008

REPLY TO THE ATTENTION OF:
WQ-16J

Marcia T. Willhite, Chief
Bureau of Water
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

Dear Ms. Willhite:

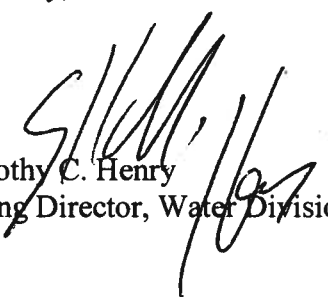
On October 21, 2008, U.S. Environmental Protection Agency received legal certification from Illinois' Attorney's General Office regarding the legality of the adoption of a site-specific total dissolved solids (TDS) water quality standard for the Lower Des Plaines River (35 Ill. Adm. Section 303.445). Receipt of this certification, in addition to the previously submitted documentation that was received on May 29, 2008, completed the requirements of 40 CFR 131.6 (Minimum requirements for water quality standards submission).

As specified in the Federal regulations at 40 CFR 131.21 and the Clean Water Act (CWA) in section 303(c)(3) (33 U.S.C. §1313(c)), EPA is required to review and approve state water quality standards before they can become effective for CWA purposes. Based on our review, we determined that the site-specific TDS standard of 1686 mg/L will protect the Secondary Contact and Indigenous Aquatic Life and General Use applicable to the Lower Des Plaines River. EPA approves the TDS site-specific standard for the Lower Des Plaines River (35 Ill. Adm. Section 303.445) under the authority of section 303(c)(3) of the CWA and Federal regulations at 40 CFR 131.21.

Consistent with Section 7 of the Endangered Species Act and Federal Regulations at 50 CFR Part 402, EPA is required to consult with U.S. Fish and Wildlife Service on any action that may affect Federally-listed threatened and endangered species. EPA evaluated whether this site-specific TDS standard would have any affect on federally-listed threatened or endangered species or designated critical habitat. Based on this evaluation, EPA concluded that approval of this site-specific water quality standard will have no effect on listed species or designated critical habitat because: there are no known populations of listed species in the action area and the nearest know populations are all upstream or would not be affected by the water quality of the Lower Des Plaines River; and, the recalculated site-specific TDS levels are protective of aquatic life and within toxicity thresholds.

If you have any questions regarding this letter, please contact me, or Tom Poleck of my staff at (312) 886-0217 or poleck.thomas@epa.gov.

Sincerely,



Timothy C. Henry
Acting Director, Water Division

cc: Richard Nelson, USFWS, Rock Island Illinois Field Office
Cathy Pollack, USFWS, Chicago Illinois Field Office
Sanjay Sofat, Illinois EPA
Bob Mosher, Illinois EPA